



2014 – 2017 STRATEGIC PLAN

Finalized February 18, 2013

ORGANIZATIONAL HISTORY

In 2001, the National Sea Grant Office issued a Request for Proposals for “the creation of a law center to coordinate and enhance Sea Grant’s activities in legal scholarship and outreach related to coastal and ocean law issues.” The University of Mississippi School of Law successfully competed to serve as the host institution for the National Sea Grant Law Center, which was officially launched in 2002. For over a decade, the NSGLC has fulfilled its five major responsibilities: (1) integrating the efforts of ocean and coastal law researchers and users in the Sea Grant network nationwide; (2) conducting research on current ocean, coastal, and Great Lakes law issues; (3) providing outreach and advisory services to the Sea Grant network and coastal constituents; (4) disseminating information and analysis through periodic workshops and conferences as well as publications, and (5) serving as a focal point for Sea Grant’s law-related issues and promoting the growth and development of a Sea Grant legal network.

The NSGLC is a nationally recognized and respected resource for information on ocean, coastal, and Great Lakes law. Law Center attorneys contribute to the field of ocean and coastal law and policy through the analysis of current issues and the publication of their research results. In addition, Law Center attorneys respond to research requests from the legal community, Sea Grant College Programs, and state and federal agencies located across the country. The NSGLC organizes and participates in continuing education programs, conferences, and symposia that serve to educate policy makers, practitioners, and laypersons on issues of coastal, ocean, and Great Lakes resource policy issues. The NSGLC’s quarterly newsletter, *The SandBar*, and monthly *Ocean and Coastal Case Alert* inform subscribers about new court cases and legislation affecting coastal resource management. Finally, the NSGLC website is a source of critical information about ocean and coastal law and is a tool for the integration of law and policy into the National Sea Grant network.

MISSION

To encourage a well-informed constituency by providing legal information and analysis to the Sea Grant Community; federal, state, and local agencies; policymakers; non-governmental organizations; and the general public through a variety of products and services.

COMPETITIVE ADVANTAGE

The National Sea Grant Law Center excels at providing focused legal research and analysis because it is neutral, responsive, and flexible.

HOW THE NATIONAL SEA GRANT LAW CENTER WORKS

The National Sea Grant Law Center fulfills its mission by implementing integrated programming based on the three legs of the Sea Grant “stool” – research, education, and outreach, which includes extension and communications. The National Sea Grant Law Center also works to build the legal capacity of individual Sea Grant Programs.

Research:

NSGLC attorneys conduct scholarly research on a variety of topics of importance to the Sea Grant Network and its constituents. Research topics may be selected for a number of reasons, including identification of an issue as a priority in the National Sea Grant Strategic Plan or by a Sea Grant constituent. NSGLC research is routinely published in specialty law journals around the country.

In 2012, for example, the NSGLC became aware of the need for legal analysis on several topics of concern during the planning of an August 2012 workshop entitled “Legal and Regulatory Efforts to Minimize Expansion of Invasive Mussels through Watercraft Movements.” The workshop was convened by the U.S. Fish and Wildlife Service, the National Association of Attorneys General, Oregon Sea Grant, and the National Sea Grant Law Center, and hosted by Arizona Department of Game and Fish, to engage Assistant Attorneys Generals, natural resource agency attorneys, law enforcement supervisors, policy makers, and the Aquatic Invasive Species Coordinators from the 19 Western states and their Federal partners to establish clear legal and regulatory approaches and opportunities to prevent the spread of invasive mussels via trailered boats. To facilitate collaborative learning and discussion at the workshop, the National Sea Grant Law Center and the National Association of Attorneys General oversaw the development of background white papers on the following topics: the Lacey Act, the federal Privacy Act, viability standards, and federal search and seizure law. The background papers were developed into workshop proceedings following the meeting and published by the *Arizona Journal of Environmental Law and Policy* in the Spring of 2013.

The National Sea Grant Law Center also contributes to the legal literature through its publication of the *Sea Grant Law and Policy Journal*. In 2008, the NSGLC re-launched the *Journal*, which had previously been published by the State University of New York at Buffalo from 1976-1980. The *Sea Grant Law and Policy Journal* is an Open Access online journal that provides a forum for the timely discussion and exploration of legal topics of relevance to the Sea Grant network of extension agents, researchers, coastal managers and users, and local decision-makers. Each year, the NSGLC sponsors two academic symposia hosted by a Sea Grant program and a partner law school on an important ocean or coastal law and policy topic that aligns with a National Sea Grant focus area. The symposia proceedings, which usually consist of 5-6 articles written by academics, practicing attorneys, and students, are then published in a special issue of the *Sea Grant Law and Policy Journal*.

Education:

Due to its location at the University of Mississippi School of Law, the National Sea Grant Law Center enhances the formal education of law students at its institution and around the country through specialty coursework and a Research Assistant Program. The NSGLC director holds an adjunct faculty position at the Law School and teaches a foundational course, Coastal and Ocean Law, each spring and an advanced seminar each fall. Although the seminar topics vary, the seminar has traditionally be used as a vehicle for exposing students to natural resources law.

In addition to formal coursework, the NSGLC contributes to the education of law students through its Research Assistant (RA) program. The NSGLC routinely hires second- and third-year law students to write articles for NSGLC publications and to provide research assistance on advisory requests and other NSGLC projects. Students generally work 10-15 hours per week for hourly wages, although some students have volunteered their services to the NSGLC in exchange for academic credit. During the summer, the NSGLC offers a full-time 8-week summer internship which immerses the selected student in ocean and coastal law research. The majority of RAs are University of Mississippi School of Law students, but NSGLC summer interns are often enrolled at other law schools. The NSGLC works with an average of 3-4 law students each year.

Extension:

The NSGLC's primary extension activity is its Advisory Service. The Advisory Service is a non-advocacy legal research service provided free of charge to the Sea Grant College Program and its constituents, which include federal and state environmental and natural resource agencies. The majority of requests are submitted by Sea Grant extension agents seeking to answer a stakeholder's question or enhance their extension programming. Through the Advisory Service, NSGLC attorneys help decision-makers and resource users understand the existing legal framework governing coastal and ocean resources; highlight gaps, overlaps, and conflicts in the legal framework that should be addressed; and contribute to policy change on a local, state, and national level.

The advisory request process proceeds as follows. First, a constituent (federal or state management agency, Sea Grant extension agent, etc.) contacts the Law Center. The Law Center attorneys then work with the constituent to identify the discrete legal question and the type of final product needed. If a request is received from a state agency or non-profit organization, the Law Center notifies the relevant Sea Grant program to solicit input and engage extension agents. Advisory requests are not accepted directly from private citizens; such requests must be made through the state Sea Grant program. The NSGLC does not prioritize requests from a Sea Grant program. The only selection criterion is that it be relevant to the individual Sea Grant program's work and aligned with the National Sea Grant College Program Strategic Plan (i.e., falls within one of the four Focus Areas). Requests received from NOAA, federal agencies, state agencies, and non-profit organizations are accepted if staff time is available and relevant to the NSGCP Strategic Plan on a first-come, first-serve basis.

Legal research results may be provided to the requesting entity in a variety of formats, including response letters, fact sheets, white papers, conference/workshop presentations, and newsletter articles. The NSGLC averages 10-12 Advisory Requests per year on a wide range of topics as illustrated by last year's requests. In 2012, Advisory Requests were received from the National Marine Fisheries Service Office of Aquaculture (offshore mussel culture permitting), Florida Sea Grant extension agents (fish venting and Fishery Management Council consultation with Scientific and Statistical Committees), the Middle Peninsula Planning District Commission in Virginia (failing septic tanks on heirs' property), Minnesota Sea Grant extension agent (difference between technology-based effluent limitations and water quality-effluent limitations under the Clean Water Act), New York Sea Grant (effect of avulsive events on coastal property lines), Texas General Lands Office (review of coastal program rules), Virginia Sea Grant (applicability of admiralty law to aquaculture operations), and Washington Sea Grant (summary of recent legislation related to working waterfronts).

Communications:

The NSGLC's primary communication tool is its website (<http://nsglc.olemiss.edu/>). The NSGLC website provides information on NSGLC's current projects and houses an archive of all NSGLC products and publications, including Advisory Request memos. In addition, the NSGLC produces a number of publications that disseminate information on developing issues in ocean and coastal law. Our quarterly newsletter, *The SandBar*, is produced for our Sea Grant constituents who are primarily non-attorneys. NSGLC attorneys and research assistants write the articles for *The SandBar*, which cover a range of topics from recent court cases, legislative enactments, and regulatory changes. Our monthly *Ocean and Coastal Case Alert* email service provides summaries of and links to federal and state court opinions related to ocean and coastal law. As of January 2013, *The SandBar* had 219 electronic and 1036 hard copy subscribers and the *Ocean and Coastal Case Alert* had 320 subscribers.

Building Capacity:

One of the major responsibilities of the NSGLC, as set forth by the National Sea Grant Office in its original request for proposals to create a law center, is to promote the growth and development of a Sea Grant legal network. As the result of NSGLC leadership and work with the Sea Grant Association (SGA), the Sea Grant Legal Network was formally established as an official network recognized by the SGA in 2009. The SGLN consists of the recognized law and policy programs within the Sea Grant network and attorneys employed by or receiving on-going funding support from a Sea Grant Program to work on law and policy issues. At its establishment, seven Sea Grant programs were represented in the Sea Grant Legal Network, including the five core members – the National Sea Grant Law Center and the four state legal programs (Rhode Island, North Carolina, Mississippi-Alabama, and Louisiana) and two associate members funded by the Florida and Hawaii Sea Grant programs.

Since its initial establishment, the number of Sea Grant programs represented within the Network has grown to eleven, with the addition of Associate Members from Alaska Sea Grant, Illinois-Indiana Sea Grant, New York Sea Grant and Oregon Sea Grant. In 2013, twelve programs will be represented when Virginia Sea Grant joins as an Associate Member as the result of a new partnership with the Virginia Coastal Policy Clinic at William and Mary Law School. The National Sea Grant Law Center will continue to actively participate in the Sea Grant Legal Network and encourage Sea Grant programs to seek out partnerships with law schools in their states. These partnerships can be facilitated by the sharing of information about the organizational structure of existing legal programs and by funding of symposia and other projects that provide the foundation for the development of working relationships.

While the Sea Grant Legal Network is growing, the majority of Sea Grant programs remain without a formal legal program or a full-time legal extension specialist. Given the ever-increasing technical assistance needs of coastal communities and the current budget climate, few Sea Grant programs can justify allocating scarce resources to launch new law and policy programs. The NSGLC enables Sea Grant programs without the in-house legal resources to increase knowledge of legal frameworks, reduce conflicts, and influence policy in their states and regions. Through its advisory service, publications, and workshops, the NSGLC increases the capacity of the individual Sea Grant programs to address legal issues in their states and regions.

STRATEGIC GOALS AND OBJECTIVES

To help the nation understand, manage, and use its coastal resources wisely, the National Sea Grant College Program has identified four focus areas central to what Sea Grant does. The focus areas are:

1. Healthy Coastal Ecosystems
2. Sustainable Fisheries and Aquaculture
3. Resilient Communities and Economies
4. Environmental Literacy and Workforce Development

The National Sea Grant Law Center's research, education, and outreach activities over the next four years will align with the national goals within each of these focus areas in the following ways. The NSGLC's estimated level of effort with respect to each focus area is: Healthy Coastal Ecosystems (25%), Sustainable Fisheries and Aquaculture (25%), Resilient Communities and Economies (40%), and Environmental Literacy and Workforce Development (10%).

Cross-cutting Programmatic Goal: Facilitate informed policy- and decision-making by Sea Grant constituents to improve management of the nation's ocean, coastal, and Great Lakes resources.

Objective 1: Provide information to Sea Grant programs and constituents on federal and state laws, regulations, and policies related to coastal, ocean, and Great Lakes resources.

- 1.1. Produce and distribute sixteen issues (four per year) of *The SandBar*, the legal reporter of the National Sea Grant Law Center;
- 1.2. Produce and distribute 48 issues (twelve per year) of the *Ocean and Coastal Case Alert*;
- 1.3. Produce and distribute eight issues (two per year) of the *Sea Grant Law and Policy Journal*. At least four of the eight issues will feature articles from symposiums funded by the NSGLC through a competitive process.

Outcome: Increased stakeholder awareness and understanding of developing ocean, coastal, and Great Lakes legal issues.

Objective 2: Provide legal research and advisory services to the National Sea Grant Office, the Sea Grant College Programs, and their constituents.

- 2.1. Attend and participate in at least 20 (5 per year) national and regional Sea Grant networking meetings, including the Sea Grant Association spring and fall meetings and the meetings of the New England, Mid-Atlantic, and Great Lakes Regional Sea Grant networks.
- 2.2. Fulfill a minimum of 40 advisory requests (10 per year). It is anticipated that requests will involve legal research questions relating to all four Sea Grant focus areas.

Outcome: Sea Grant extension agents or constituents routinely utilize the NSGLC's Advisory Service to address legal research needs.

Outcome: Reduction in legal barriers, both real and perceived, to the implementation of Sea Grant programming.

Objective 3: Increase the capacity of individual Sea Grant programs to address ocean and coastal legal issues in their respective states.

- 3.1. Run a competitive process to solicit and fund proposals from Sea Grant programs to host the *Sea Grant Law and Policy Journal* symposiums. To be eligible for the mini-grant (approx. \$10,000), the Sea Grant program must partner with a law school in their state and demonstrate that the symposium would fill a gap in the law and policy literature to address one of the National Sea Grant College Program's four strategic planning focus areas. Up to two proposals may be funded per year, based upon the recommendations of the *Journal's* Editorial Board.
- 3.2. Support the efforts of individual Sea Grant programs to develop legal programs by disseminating information on the organization and funding of the four existing Sea Grant legal programs and identifying potential law school partners, as requested.
- 3.3. Actively participate in the Sea Grant Legal Network by providing leadership, contributing to SGLN initiatives, and recruiting new members.

Outcome: Increased visibility of Sea Grant law and policy programming.

Outcome: Increased number of Sea Grant programs actively involved in the Sea Grant Legal Network due to the hiring of new law and policy specialists or development of new partnerships.

Outcome: Sea Grant programs work to address coastal, ocean, and Great Lakes law and policy issues of concern in their states.

Healthy Coastal Ecosystems Program Goal: Ecosystem services are improved by enhanced health, diversity, and abundance of fish, wildlife, and plants.

Objective 4: Improve state laws, regulations, and policies affecting ecosystems through training workshops for those charged with protecting such systems.

- 4.1. Work with National Association of Attorneys General and the U.S. Fish and Wildlife Service to organize and/or co-sponsor a minimum of two training workshops for Assistant Attorneys General, AIS Coordinators, law enforcement personnel, and federal partners regarding the economic and environmental impact of non-native aquatic species in the U.S. and to facilitate the development of clear legal and regulatory approaches and opportunities to prevent their spread.

Outcome: Increased participant understanding regarding the existing legal framework governing aquatic invasive species prevention and control and key gaps, overlaps, and conflicts.

Outcome: Federal and state resource managers and policy-makers take action to reform invasive species laws, regulations, or policies to address identified gaps, overlaps, and conflicts.

Sustainable Fisheries and Aquaculture Program Goal: A safe, secure and sustainable supply of seafood to meet public demand.

Objective 5: Develop legal risk management products and services to assist seafood producers seeking to diversify their businesses by engaging in direct sales and alternative markets.

- 5.1. Partner with National Agricultural Law Center at the University of Arkansas to produce seafood direct marketing guides for use in association with MarketMaker outreach programming.
- 5.2. Host a webinar series to disseminate information on legal risk management topics, such as food safety and environmental laws, business structure, and liability concerns. A minimum of four webinars will be organized featuring presentations from leading legal and business experts.

Outcome: Seafood producers will understand the risks associated with direct marketing of seafood products through information provided by the NSGLC.

Outcome: Seafood producers will take steps to manage their business risks.

Resilient Communities and Economies Program Goal: Development of vibrant and resilient coastal economies.

Objective 6: Increase the capacity of waterfront communities and stakeholders to make informed decisions, balance diverse uses, ensure access, and plan for the future of their working waterfronts.

- 6.1. In partnership with Maine Sea Grant, provide leadership and administrative support for the National Working Waterfronts Network during its transition from informal association to nonprofit corporation. The NWWN is a nationwide network of businesses, industry associations, nonprofits, local governments and communities, state and federal agencies, universities, Sea Grant programs, and individuals dedicated to supporting, preserving, and enhancing our nation's working waterfronts and waterways.
- 6.2. Continue to facilitate the adaptation of Maine Sea Grant's coastal access web resource, <http://www.accessingthemaineoast.com/>, by other Sea Grant programs.

Outcome: The National Working Waterfront Network is a recognized leader and resource on working waterfront issues lead by an active Board of Directors without Sea Grant support.

Outcome: Sea Grant constituents have access to up-to-date information on the coastal access rights and responsibilities of governments, waterfront landowners, and waterfront users through the adaptation and maintenance of coastal access websites.

Resilient Communities and Economies Program Goal: Resilient coastal communities adapt to the impacts of hazards and climate change.

Objective 7: Increase awareness and understanding of the legal system's role in managing disaster risks to inform and improve decision-making throughout the disaster cycle (prevention, response, and recovery).

- 7.1. Increase awareness of the emerging legal field of disaster law and related scholarship, which seeks to inform and improve disaster-related decision-making through a webinar series, articles in NSGLC publications, and an inventory of disaster law resources on the NSGLC website.
- 7.2. Contribute to the emerging field of disaster law through the sponsorship of a symposium on the topic and publication of the proceedings in the *Sea Grant Law and Policy Journal*.

Outcome: Sea Grant program and constituents understand the legal system's role in managing disaster risks.

Outcome: Sea Grant programs share disaster law resources with coastal communities to inform disaster-related decision-making.

Environmental Literacy and Workforce Development Program Goal: A future workforce reflecting the diversity of Sea Grant programs, skilled in science, technology, engineering, mathematics and other disciplines critical to local, regional and national needs.

Objective 8: Provide law students with educational and professional experiences and training related to ocean and coastal law.

- 8.1. Offer a minimum of two courses per year at the University of Mississippi School of Law, including the foundational Coastal and Ocean Law course.
- 8.2. Re-establish the NSGLC's Ocean and Coastal Law Fellowship Program at the University of Mississippi School of Law. This fellowship program is the only one in the nation focused exclusively on ocean and coastal legal issues.
- 8.3. Provide a minimum of 8 second- and third-year law students from The University of Mississippi School of Law with training in writing and research on coastal, ocean, and Great Lakes legal issues through the NSGLC's Research Assistant Program.
- 8.4. Provide a minimum of 4 second- or third-year law students from other law schools with training through the NSGLC's Remote RA program.
- 8.5. Pursue the establishment of an ocean and coastal law certificate program. The University of Mississippi School of Law is one of only a handful of schools (including the University of Oregon, University of California, Berkeley, Roger Williams School of Law, and the University of Florida) to offer students specialized training in this complex field. While many schools have environmental certificate programs, no law school currently offers an ocean and coastal law certificate. If approved by the UM faculty, the NSGLC's Ocean and Coastal Law Certificate would consist of four required courses (coastal law, ocean resource management or admiralty law, environmental law, and administrative law) (12 credit hours) and 9 credit hours of elective courses. In addition, students would be required to complete an externship/internship placement (3 credit hours) and an Independent Study in Ocean and Coastal Law (3 credit hours), for a total of 27 credit hours.

Outcome: The University of Mississippi School of Law, due to the presence of the NSGLC, is recognized as a leading academic institution for law students and recent graduates seeking to specialize in the field of ocean and coastal law.

Outcome: Law students receive valuable practical experience and training through NSGLC courses and the RA Program.

NATIONAL PERFORMANCE MEASURES AND TARGETS

Healthy Coastal Ecosystems Performance Measures:

1. Number of Sea Grant tools, technologies and information services that are used by our partners/customers to improve ecosystem-based management. (Target: 1)
2. Number of ecosystem-based approaches used to manage land, water and living resources in coastal areas as a result of Sea Grant activities. (Target: 0)
3. Number of acres of coastal habitat protected, enhanced or restored as a result of Sea Grant activities. (Target: 0)

Sustainable Fisheries and Aquaculture Performance Measures:

4. Number of fishermen, seafood processors and aquaculture industry personnel who modify their practices using knowledge gained in fisheries sustainability and seafood safety as a result of Sea Grant activities. (Target: 50)
5. Number of seafood consumers who modify their purchases using knowledge gained in fisheries sustainability, seafood safety and the health benefits of seafood as a result of Sea Grant activities. (Target: 0)

Resilient Communities and Economies Performance Measures:

6. Number of communities that implemented sustainable economic and environmental development practices and policies (e.g., land-use planning, working waterfronts, energy efficiency, climate change planning, smart growth measures, green infrastructure) as a result of Sea Grant activities. (Target: 4)
7. Number of communities that implemented hazard resiliency practices to prepare for, respond to or minimize coastal hazardous events as a result of Sea Grant activities. (Target: 4)

Environmental Literacy and Workforce Development Performance Measures:

8. Number of Sea Grant facilitated curricula adopted by formal and informal educators. (Target: 0)
9. Number of people engaged in Sea Grant supported informal education programs. (Target: 0)
10. Number of Sea Grant-supported graduates who become employed in a career related to their degree within two years of graduation. (Target: 2)

Cross-Cutting Performance Measures:

11. Economic (market and non-market; jobs and businesses created or retained) benefits derived from Sea Grant activities. (Target: 0)
12. Number of peer-reviewed publications produced by the Sea Grant network, and number of citations for all peer-reviewed publications from the last four years. (Target: 4/16)